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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,737	08/04/2003	Timothy R. Lang	904.002	5593

EXAMINER	
GOODWIN, JEANNE M	

ART UNIT	PAPER NUMBER
2833	

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LISA A. BRZYCKI
Gehrke & Associates, S.C.
123 North 86th Street
Wauwatosa, WI 53226

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,737

Applicant(s)

LANG, TIMOTHY R.

Examiner

Jeanne-Marguerite Goodwin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9,10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9,10,12,14,18 and 170 is/are rejected.
- 7) ☒ Claim(s) 13,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The indicated allowability of claims 9-18 is withdrawn in view of the newly discovered reference(s) to DE 004135514 to Kuehnhanss. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9, 10, 12, 14, 17, 18 rejected under 35 U.S.C. 102(b) as being anticipated by Kuehnhanss (translated).

Regarding claim 9: Kuehnhanss discloses a timepiece in Figs. 5-7 comprising a display face (14) including a color time field having a first horizontal axis representing a first unit of time (Figs. 5-7) and a second vertical axis representing a second unit of time (Figs. 5-7), wherein the first unit of time and the second unit of time are minutes or seconds (Figs. 5-7); wherein a colored section fills the color time field as time elapses and wherein a current color displayed in the colored section is one color in a set of different colors that correspond to a predetermined measurement of time (translation, page 7, lines 8-11).

Regarding claim 10: Kuehnhanss discloses a timepiece in Figs. 5-7 according to claim 9, wherein the predetermined measurement of time is each of the different hours in a day (Figs. 5-7).

Regarding claim 12: Kuehnhanss discloses a timepiece in Figs. 5-7 according to claim

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10, wherein the colored section advances vertically with each passing second and each passing minute (Figs. 5-7).

Regarding claim 14: Kuehnhanss discloses a timepiece in Figs. 5-7 according to claim 9, wherein the timepiece is a watch.

Regarding claim 17: Kuehnhanss discloses a timepiece in Figs. 5-7 according to claim 10, further comprising a first set of indicia along the first axis marking intervals of the first unit of time (Figs. 5-7) and a second set of indicia along the second axis marking intervals of the second unit of time (Figs. 5-7).

Regarding claim 18: Kuehnhanss discloses a timepiece in Figs. 5-7 according to claim 17, wherein the length of the first axis is substantially different than the length of the second axis (Figs. 5-7).

Allowable Subject Matter

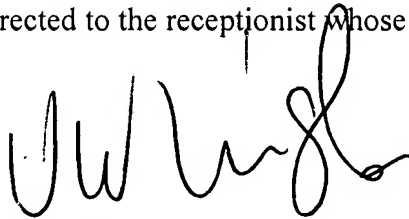
4. Claims 13, 15, 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is

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assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

A handwritten signature in black ink, appearing to read 'VIT Miska', with a stylized, cursive script.

JMG
June 25, 2007

VIT MISKA
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2800